



#19

PATENT
Customer Number 22,852
Attorney Docket No. 07451.0010-01
InterTrust Ref. No.: IT-14.1 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Victor H. SHEAR, et al.) Group Art Unit: 3629
Serial No.: 09/498,369) Examiner: Thomas A. Dixon
Filed: February 4, 2000)
For: METHODS FOR MATCHING,)
SELECTING, NARROWCASTING,)
AND/OR CLASSIFYING BASED)
ON RIGHTS MANAGEMENT)
AND/OR OTHER INFORMATION)
(As Amended))

Commissioner for Patents
Washington, DC 20231

Sir:

UPDATED NOTICE REGARDING RELATED LITIGATION

Further to the submission of the Notice Regarding Related Litigation on November 21, 2002, Applicants submit this Updated Notice to inform the Examiner of the status of the litigation case between InterTrust and Microsoft, entitled InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit copies of papers exchanged by the parties in the course of this litigation. Many of these papers relate to claim construction.

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

STATUS OF RELATED LITIGATION

On October 24, 2002, InterTrust filed a Fourth Amended Complaint, adding to the case claims of infringement of U.S. Patent Nos. 6,112,181; 5,915,019; 5,949,876; and 6,389,402 B1. See Exhibit 1.

On November 1, 2002, Judge Saundra Armstrong signed an Order granting, in part, Microsoft's Motion for a Partial Stay. See Exhibit 2. On November 5, 2002, Judge Armstrong signed a Further Case Management Order. See Exhibit 3. Both orders listed the claims which were selected to be the subject of a "mini-Markman" and "indefiniteness" hearing. The case management order set out a timeline for the exchange and submission of Patent Local Rule (PLR) materials. The following chart lists the claims selected to be the subject of the PLR materials and the mini-Markman hearing.

| U. S. Patent Number | Claim(s) |
|---------------------|---------------|
| 6,253,193 | 1, 11, 15, 19 |
| 6,157,721 | 1, 34 |
| 5,917,912 | 8, 35 |
| 5,920,861 | 58 |
| 5,982,891 | 1 |
| 6,185,683 | 2 |
| 5,892,900 | 155 |

On November 7, 2002, Microsoft filed its Answer and Counterclaims to InterTrust's Fourth Amended Complaint. See Exhibit 4.

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GARRETT &
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On November 8, 2002, under PLR 4-1, the parties exchanged proposed terms and claim elements for construction. See Exhibits 5 & 6.

On December 20, 2002, under PLR 4-2, the parties exchanged preliminary claim constructions and extrinsic evidence supporting the claim constructions. See Exhibits 7 & 8. Microsoft's PLR 4-2 Disclosure (Exhibit 8) includes Exhibits A-G¹. Exhibit 8D contains copies of excerpts from dictionaries and other publications. Due to the volume of the appended pages, Applicants have provided a list of the source dictionaries and publications in place of the excerpted pages. Exhibit 8F as submitted by Microsoft contains a list of selected, uncited prior art publications, identified by bates numbers used by the parties in the litigation. For clarification, Applications have added a list identifying each document in Exhibit 8F by name. Exhibit 8G as submitted by Microsoft contains a list of selected, uncited prior art patents, also identified by bates numbers. Applications have added a list identifying each of the listed documents by patent number. On January 10, 2003, Microsoft submitted revised Exhibits 8F and 8G, in which the number of references was reduced. Applications have identified the documents in the revised lists in bold.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
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¹ To distinguish Exhibits A-G of Exhibit 8 from Exhibits A-G of Exhibit 9, Applicants will hereinafter refer to Exhibits A-G of Exhibit 8 as Exhibits 8A-8G.

On February 3, 2003, under PLR 4-3, the parties filed a Joint Claim Construction and Prehearing Statement. See Exhibit 9.

On March 17, 2003, InterTrust filed InterTrust's Opening Claim Construction Brief. See Exhibit 10. On March 17, 2003, Microsoft filed Microsoft's Brief in Support of Motion for Summary Judgment that certain "Mini-Markman" Claims are Invalid for Indefiniteness. See Exhibit 11.

REMARKS

Due to the voluminous number of references indicated by these papers, they have not been provided. If the Examiner would like to review any of the references from Microsoft's PLR 4-2 Disclosure or any of the exhibits from InterTrust's Opening Claim Construction Brief or Microsoft's Brief in Support of Motion for Summary Judgment, Applicants invite the Examiner to contact the undersigned at (650) 849-6643 and Applicants will provide them.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 11, 2003

By: _____
Karna J. Nisewaner
Reg. No. 50,665

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

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